

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

JESUS R. SANCHEZ, on behalf of himself)	
and all others similarly situated)	
)	
Plaintiffs,)	Case No. 2:11-cv-02548
)	
v.)	District Judge S. Thomas Anderson
)	
E-BACKGROUNDCHECKS.COM, INC.)	Magistrate Judge Charmiane G. Claxton
)	
Defendant.)	

**DEFENDANT E-BACKGROUNDCHECKS.COM, INC.'S UNOPPOSED MOTION FOR
FURTHER EXTENSION OF TIME TO FILE REPLY BRIEF IN SUPPORT OF ITS
MOTION TO DISMISS**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant e-BackgroundChecks.com, Inc. ("BGC") hereby moves the Court for an extension of time up through and including June 25, 2012 in which to file its reply brief in support of its motion to dismiss. In support of its unopposed motion, BGC respectfully shows the Court as follows:

1. Plaintiff filed his First Amended Class Action Complaint on February 2, 2012. (Dkt. No. 24).
2. BGC filed a motion to dismiss on April 9, 2012. (Dkt. No. 42).
3. Plaintiff filed a response brief in opposition to the motion to dismiss on May 14, 2012. (Dkt. No. 54).
4. Pursuant to Local Rule 12.1(c), BGC had fourteen (14) days to file a reply brief in support of its motion—or, until Monday, May 28, 2012. Because May 28, 2012 was Memorial Day, a federal holiday, BGC's reply was due on Tuesday, May 29, 2012. *See* Fed. R. Civ. P. 6(a)(1)(C) ("[I]nclude the last day of the period, but if the last day is a . . . legal holiday, the

period continues to run until the end of the next day that is not a . . . legal holiday.”); Fed. R. Civ. P. 6(a)(6) (defining legal holidays to include Memorial Day).

5. On May 23, 2012, BGC filed its unopposed motion for an extension of time to file its reply brief until June 11, 2012 (Dkt. No. 56), which the Court granted on May 23. (Dkt. No. 57). As such, BGC’s reply brief is presently due on Monday, June 11, 2012.

6. BGC and Plaintiff are actively pursuing settlement of this case, which may obviate the need to file a reply brief. As such, BGC wishes to avoid any hasty briefing that may prove unnecessary. BGC therefore requests an additional fourteen (14) days (from June 11, 2012)—up through and including Monday, June 25, 2012—to file its reply brief pursuant to Local Rule 12.1(c).

7. The requested fourteen day extension will not delay the timely resolution of this civil action, which is still in its early stages.

8. Undersigned counsel hereby certifies that counsel for BGC has conferred with counsel for Plaintiff, and is authorized to represent that Plaintiff does not oppose the relief requested in this Motion.

WHEREFORE, BGC respectfully requests entry of an Order extending its time up through and including June 25, 2012 to file its reply brief in support of its motion to dismiss. A proposed Order is submitted herewith as required by the Local Rules.

Dated: June 5, 2012

Respectfully submitted,

s/ Katherine M. Bogard

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CERTIFICATE OF CONSULTATION

The undersigned hereby certifies that counsel for Defendant e-BackgroundChecks.com, Inc., Ross Andre, consulted with Counsel for Plaintiff, Matt Dooley, via e-mail and telephone on June 4, 2012. Counsel for Plaintiff indicated that he does not oppose the relief requested herein.

/s/ Katherine M. Bogard

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of June 2012, a copy of the foregoing electronically filed Defendant e-BackgroundChecks.com, Inc.'s Unopposed Motion for Further Extension of Time to File Reply Brief in Support of its Motion to Dismiss was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

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